

REMARKS

The Restriction Requirement states that claims 1-11 and 17-27 (Group I) are drawn to a method of screening incoming packets including methods of tearing detecting tunnel establishment, tunnel tear down, and requesting tunnel tear down, classified in class 726, subclass 13 and that claims 12-16 (Group II) are drawn to a method of screening packets including applying policies to determine whether to clear a firewall session, classified in class 726, subclass 12. The Office Action requires election of either Group I or Group II for examination. The requirement for election is respectfully traversed and reconsideration is requested.

To begin, claims 1-31 are pending in the current application. It appears the Examiner has mistakenly overlooked claims 28-31 in the Restriction Requirement. For purposes of this response, Applicants assume that claims 28-31 should be grouped in Group I because claims 28-31 are drawn to a method of screening incoming packets including methods of tearing detecting tunnel establishment, tunnel tear down, and requesting tunnel tear down.

The Restriction Requirement states that the invention of groups I and II are related as subcombinations usable together in a single combination. The Restriction Requirement also states that the subcombinations in this case are distinct because “subcombination I has separate utility such as allowing the tearing down of a tunnel and removal of the firewall session while subcombination II has separate utility of applying policies to determine whether to request a firewall session clear” (Restriction Requirement – page 2).

In order for a restriction to be proper, the inventions must be independent and there must be a serious burden on the Examiner if the restriction is not made (MPEP § 803). The applicant respectfully submits that a search and examination of all the pending claims can be made without serious burden. Applicants base this on the fact that the claims of Group I and II all involve

screening incoming packets and clearing firewall sessions. Reconsideration of the Restriction Requirement and examination of pending claims 1-31 are respectfully requested.

In the event that the Examiner, after considering the discussion above, still believes that election is required, the applicant provisionally elects Group I (claims 1-11 and 17-31) with traverse.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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